

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rev. June. 2013

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	Plaintiff(s),	<b>CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER</b>
- against -		
	Defendant(s)	18 CV 8175 (ER)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Plaintiff's Amended Complaint was filed on **March 8, 2019**. The court has ordered that motions to dismiss are due **May 8, 2019**; oppositions are due **June 21, 2019**; and replies are due **July 22, 2019**. See Dkt. 99.
- ~~4. The parties request that the Court schedule a hearing for oral arguments relating to Defendants' motions to dismiss on **August 27, 28, or 29, 2019**, or another date convenient to the Court.~~  
~~The non-privileged portions of the SEC's investigative file will be produced by **April 17, 2019**.~~
- ~~5. The initial conference to discuss this Discovery Plan will be held on **May 10, 2019**, or another date convenient to the Court. [The Parties should propose dates in the 26(f) Report.]~~
- ~~6.4.~~ Initial Disclosures shall be served 14 days after the initial conference.
- ~~7.5.~~ If the Amended Complaint is not dismissed in its entirety, Answers are due 30 days after a ruling on the motions to dismiss.
- ~~8.6.~~ Interrogatories shall be served no ~~later~~ earlier than **January 31, 2020**, and ~~responses thereto shall be served within thirty (30) days thereafter~~ **45 days prior to the fact discovery cut-off, or December 2, 2019**. The provisions of Local Civil Rule 33.3 **shall not apply to this case.**

- ~~9.7.~~ First request for production of documents, if any, shall be served no ~~later~~ earlier than May 31, 2019-July 23, 2019.
- ~~8.~~ ~~Non-party~~ Fact discovery cut-off: January 20, 2020. All Depositions (besides experts) shall be completed by December 13-January 20, 201920.
- a. The Defendants contemplate that the 10 deposition limitation in Fed. R. Civ. P. 30(a)(1) and (2) on the number of Defendants' depositions may have to be modified in this case. The parties will endeavor – prior to the initiation of deposition discovery – to reach agreement on the number of depositions Defendants will need, given the factual issues in the case, and if more than Fed. R. Civ. P. 30(a) allows, and the parties agree, the parties shall prepare and submit a Stipulation to the Court for its approval.
- ~~10.9.~~ Requests to Admit, if any, shall be served no ~~later~~ earlier than January 31, 202045 days prior to the fact discovery cut -off, or December 2, 2019.
- ~~11.10.~~ Expert reports shall be served no later than February 7, 2020.
- ~~12.11.~~ Rebuttal expert reports shall be served no later than February 28, 2020.
- ~~13.12.~~ Expert depositions shall be completed by March 27, 2020.
- ~~14.~~ ~~Party depositions shall be completed between~~ April 1-30, 2020.
- ~~15.13.~~ ALL DISCOVERY SHALL BE COMPLETED BY April 301, 2020, unless Answers have not yet been filed. Discovery shall re-open for a two month period after Answers are filed, if after April 1, 2020.
- ~~16.14.~~ If Answers are filed by April 1, 2020, The Court will hold a status conference on May 1, 2020, or another time convenient for the Court. During that status conference, the parties will present a proposed schedule for any motions for summary judgment, pre-trial submissions, and trial.
- ~~17.15.~~ Any motions shall be filed in accordance with the Court's Individual Practices.
- ~~18.16.~~ This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference), unless the parties agree in writing to move interim fact discovery dates.
- ~~19.17.~~ The Magistrate Judge assigned to this case is the Hon. Barbara C. Moses.
- ~~20.18.~~ If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.

~~21~~19. The next case management conference is scheduled for the same date as oral argument on Defendants' motions to dismiss. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: New York, New York

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Edgardo Ramos, U.S. District Judge